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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DONNELL KINNARD,

11 Plaintiff,

No. CIV S-04-2472 FCD PAN P

12 vs.

13 DAVID RUNNELS, et al.,

14 Defendants.

FINDINGS & RECOMMENDATIONS

15 _____/
16 By order filed March 11, 2005, plaintiff's complaint was dismissed and sixty days
17 leave to file an amended complaint was granted. Sixty days passed and plaintiff did not file an
18 amended complaint. On May 26, 2005, plaintiff was directed to file an amended complaint
19 within ten days or his case would be dismissed without prejudice. That ten day period has now
20 expired, and plaintiff has not filed an amended complaint or otherwise responded to the court's
21 order.

22 IT IS HEREBY RECOMMENDED that this action be dismissed without
23 prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

24 These findings and recommendations are submitted to the United States District
25 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
26 days after being served with these findings and recommendations, plaintiff may file written

1 objections with the court. The document should be captioned "Objections to Magistrate Judge's
2 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
3 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
4 F.2d 1153 (9th Cir. 1991).

5 DATED: February 27, 2006.

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8 UNITED STATES MAGISTRATE JUDGE

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